



REPUBLIC OF THE PHILIPPINES  
**SENATE ELECTORAL TRIBUNAL**  
COA-NCR Bldg., Batasan Road, Quezon City

FRANCIS N. TOLENTINO,  
Protestant,

- versus -

SET CASE No. 001-16

LEILA M. DE LIMA,  
Protestee.  
X-----X

### RESOLUTION NO. 16-30

The Senate Electoral Tribunal resolves to **CONFIRM** the following Resolutions issued by the Executive Committee:

1. **Resolution No. 16-23** dated 09 January 2017, **GRANTING** the request of the Commission on Elections (Second Division) to take temporary prior custody of the ballot boxes, election documents and paraphernalia as well as the data storage devices used in the election for the position of City Mayor, Cebu City during the 09 May 2016 National and Local Elections in the 167 Clustered Precincts involved in EPC No. 2016-16 (Michael T. Rama versus Tomas R. Osmeña); and **DIRECTING** the Commission to take the necessary measures to safeguard and preserve the integrity of the subject election materials and to ensure that they are ready for transfer to the Tribunal when the need for them arises.
2. **Resolution No. 16-24** dated 09 January 2017, **REQUIRING** counsel for Protestant Francis N. Tolentino to comment within five (5) days from receipt of the Resolution on the *Verified Motion for Reconsideration* (of Resolution No. 16-20 dated 01 December 2016) filed by counsel for Protestee Leila de Lima.
3. **Resolution No. 16-25** dated 09 January 2017, **REQUIRING** counsel for Protestee de Lima to comment within five (5) days from receipt of the Resolution on the *Motion for Reconsideration* (of Resolution No. 16-21 dated 01 December 2016) filed by counsel for Protestant Tolentino.

4. **Resolution No. 16-26** dated 09 January 2017, **REQUIRING** the Commission on Elections to file a **REPLY** within five (5) days from receipt of the Resolution to the *Comment on Manifestation and Motion* filed by counsel for Protestant Tolentino;
5. **Resolution No. 16-27** dated 17 January 2017, which:
  - (a) **NOTED** the *Entry of Appearance* of the Esguerra & Blanco Law Firm as collaborating counsel for Protestant Francis N. Tolentino;
  - (b) **GRANTED** the *Motion* of Protestee Leila M. de Lima that she be furnished a copy of Protestant Tolentino's *Motion for Reconsideration* (of Resolution No. 16-21) and that she be given three (3) days from receipt thereof within which to file the Comment required in Resolution No. 16-25 dated 09 January 2017; and
  - (c) **GRANTED** the *Motion for Extension of Time to File Reply* filed by the Commission on Elections, praying that it be given ten (10) days from 17 January 2017 or until 27 January 2017 within which to file the Reply required in Resolution No. 16-26 dated 09 January 2017.
6. **Resolution No. 16-28** dated 18 January 2017, **GRANTING** the request of the Commission on Elections (Second Division) to take temporary prior custody of the ballot box, election documents and paraphernalia, lists of voters and data storage devices used in the 09 May 2016 election for the position of City Mayor, Cebu City in Clustered Precinct No. 743, Barangay Quiot Pardo, Cebu City, Province of Cebu, involved in EPC No. 2016-16 (Rama vs. Osmeña); and **DIRECTING** the Commission to take the necessary measures to safeguard and preserve the integrity of the subject election materials and to ensure that they are ready for transfer to the Tribunal when the need for them arises.
7. **Resolution No. 16-29** dated 18 January 2017, which:
  - a) **ADMITTED** and **NOTED** the *Manifestation*, including the Incident Report and Supporting Photographs (Annexes "A" and "B", respectively) filed by the Commission on Elections on the collapse of the ceiling of the Memory Configuration Room (MCR) located at the Comelec Warehouse in Sta. Rosa, Laguna, on 30 December 2016 and the immediate shutdown of the server units inside the MCR undertaken by the Comelec personnel to prevent burn out of the servers and damage to the data stored therein;
  - b) **GRANTED** the requested authority for the Commission on Elections and its duly authorized personnel to:


1. Reboot (Power-Up) the Servers;
2. Conduct and Undertake Diagnostics thereon; and
3. Shut-Down (Power-Down) the same,

to determine if any data stored in the servers had been damaged; and

- c) **DIRECTED** the Commission on Elections to give due notice to the Tribunal and the parties herein at least a week before the scheduled diagnostic procedure to enable them to send their representatives to witness and observe the procedure.

**SO ORDERED.**

26 January 2017.



**ANTONIO T. CARPIO**  
Senior Associate Justice  
Chairperson



**TERESITA J. LEONARDO-DE CASTRO**  
Associate Justice  
Member



**LUCAS P. BERSAMIN**  
Associate Justice  
Member



**CYNTHIA A. VILLAR**  
Senator  
Member

**GRACE L. POE**  
Senator  
Member



**MA. LOURDES "NANCY" S. BINAY**  
Senator  
Member



**RICHARD J. GORDON**  
Senator  
Member



**FRANKLIN M. DRILON**  
Senator  
Member

**ANTONIO "SONNY" F. TRILLANES IV**  
Senator  
Member